

SENATE BILL 1319

By Crowe

AN ACT to amend Tennessee Code Annotated, Title 30
and Section 71-5-116, relative to TennCare.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-5-116(d)(1)(D), is amended by deleting the following language:

Personal representatives of decedents shall provide the notice to creditors specified in § 30-2-306 to the bureau of TennCare, if the decedent was a TennCare recipient. If a notice to creditors is provided to the bureau, the bureau shall file a claim for recovery in accordance with the requirements of title 30, chapter 2, part 3.

and substituting instead the following:

(i) Personal representatives of decedents shall provide the notice to creditors specified in § 30-2-306 to the bureau of TennCare, if the decedent was a TennCare recipient.

(ii) If a notice to creditors is provided to the bureau within six (6) months of the decedent's date of death, the bureau shall file a claim for recovery in accordance with the requirements of title 30, chapter 2, part 3.

(iii) If a notice to creditors is provided to the bureau after six (6) months of the decedent's date of death and before the end of twelve (12) months from the date of death, the bureau shall file a claim for recovery before the end of twelve (12) months from the date notice was provided to the bureau.

(iv) If a notice to creditors is not provided to the bureau before the end of twelve (12) months from the decedent's date of death, the bureau shall file a petition to open the decedent's estate as a creditor pursuant to § 30-1-106 and file a claim for recovery

before the end of thirty-six (36) months from the decedent's date of death. If no claim for recovery is filed by the bureau before the end of thirty-six (36) months from the decedent's date of death, a claim for recovery shall be forever barred.

SECTION 2. Tennessee Code Annotated, Section 30-2-310(b), is amended by deleting the language "Notwithstanding subsection (a)" and substituting instead the language "Except as provided in § 71-5-116 and notwithstanding subsection (a)".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.